

**FRANK MOTION IS  
ALMOST READY  
FOR  
THE  
ARGUMENTS NOW**

---

Few More Depositions  
to Be

Read by the Defense-  
State

Will Follow, Then the  
Argu-  
ments Will Begin.

---

READING OF MOTION  
NOT

COMPLETED UNTIL  
NOON

---

State and Defense  
Fight Hard

Over Latter's Plea for  
New

# Trial—Trial Conduct and Jurors Attacked

---

Three hours of the Friday morning session of Judge Roan's court, engaged since Wednesday in hearing the defense's motion for a new trial of Leo M. Frank on the charge of murdering Mary Phagan, were devoted to further disputes among the lawyers for the state and defense over points involved in the motion itself, the disputes being upon allegations of fact.

At noon the motion, 115 counts long and very voluminous, was completed, and for the first time since it began its work the court found itself ready to proceed with other matters in the case. The reading of its depositions was begun immediately by the defense, Attorney Rosser relieving Attorney Arnold on this work. When court recessed for lunch at 12:50 o'clock there remained several more affidavits to be read by the defense, and all of the state's affidavits were yet to be introduced by Solicitor Dorsey.

It was expected that about an hour more would be occupied with affidavits after court resumed at 2 o'clock. Then the arguments were due to begin. The understanding was said to be that each side would occupy three or four hours with argument. Then the motion will rest with Judge Roan for decision.

Two hours after court resumed its work on the Frank motion for a new trial at the capitol Friday morning, it still was engaged with odds and ends left unsettled when the voluminous motion of 115 counts was discussed Wednesday and Thursday. All of these must be dispatched one way or another, as to allegation of fact on

which the argument is based, before the court can proceed with its depositions and the lawyers can take up their arguments.

Judge L S. Roan, presiding, urged the lawyers for both sides to hasten their work, as, much as possible, early in Friday's session. "I wish you gentlemen would quit scrapping over these little points," said he later, but the lawyers persisted, neither side conceding anything that it was not compelled to concede.

Solicitor Dorsey for the state, and Attorneys Arnold and Rosser for the defense disputed for more than half an hour over an allegation as to the testimony of John Black, city detective. One ground of the motion recited that Black testified Frank had employed counsel when he arrived at police headquarters on the Monday morning after the murder. The solicitor disputed this flatly, and the record was consulted, with the result that the wording of the motion was changed to allege that Black testified Frank "had counsel" at that time instead of "had employed counsel." This compromise was satisfactory to both sides.

Several points that had remained in dispute were settled when Attorney Arnold was sworn and stated under oath that the allegations of fact were correct to the best of his knowledge and belief. The solicitor had agreed that when the record did not bear out the defense on disputed points, he would consent to Attorney Arnold being sworn and testifying about those points.

Stenographers Freer and Teitlebaum, of the court reporting staff which recorded the trial's proceedings, were sworn and, testified that they had recorded their portions of the trial to the best of their ability. This was pertinent because the defense claims to have defined a number of objections which the records do not show, and Solicitor Dorsey disputes those claims, maintaining that the records are complete and accurate in that regard.

J. W. Coleman, stepfather of Mary Phagan, the murdered girl, attended the hearing Friday morning.

Exactly at noon, Friday, the lawyers completed their discussion of the motion in toto, and turned immediately to the reading of depositions. the defense reading its documents first.

### HENSLEE ATTACKED.

An affidavit by C. P. Stough was the first to be read by Mr. Rosser. In it, Mr. Stough swears that before the Frank trial he rode with A. H. Henslee. later a trial juror, on a trolley car and that in conversation then Mr. Henslee expressed a prejudice against Frank.

The affidavits of Shi Gray, S. M. Johnson and J. M. Holmes, all of Sparta. were read. setting forth on oath that in conversation with them prior to the trial Henslee told them he had been summoned as a Juror, and indicated bias by remarks that he made.

### "BITTER DENUNCIATION."

Other affidavits attacking Henslee were read by Mr. Rosser from W. L. Ricker and J. J. Nunnally, of Munroe. who swear that among a number of traveling men gathered in that town on a certain day before the trial, Henslee was the most bitter in his denunciation of Frank. Several affidavits upholding the good character of these men, and of Messrs. Holmes. Gray and Johnson. of Sparta, were read also.

Affidavits were read by Mr. Rosser from R. L. Gremer, Sam Farkas, and Mack Farkas, of Albany, alleging that Henslee in their hearing before the

**(Continued on Page Two, Col. 3.)**

---

**PDF PAGE 2, COLUMN 3**

---

**FRANK MOTION IS**

# ALMOST READY FOR THE ARGUMENTS NOW

---

(Continued From Page 1.)

---

trial expressed an opinion against Frank.

Other affidavits attacking Henslee were from Samuel Aaron and Leon Harrison, of Atlanta.

Affidavits from Mrs. Jennie G. Lovenhart and Miss Miriam Lovenhart, of Atlanta, were read, attacking Juror M. Johenning, alleging that before the trial he expressed a belief that Frank was guilty.

Court adjourned for lunch at 12:50 o'clock, with orders to meet again at 2 o'clock and proceed.

During the afternoon session the fact that the Frank trial was adjourned over Saturday during the speech of Solicitor Dorsey because of the temper of the crowd about the court house became public for the first time.

Judge Roan certified that the chief of police and the colonel of the Fifth regiment of the national guard conferred with him that Saturday over methods of preventing a disturbance in the crowd.

VERDICT STAYED.

The defense's motion contained the statement that the editors of the three Atlanta daily newspapers had on the last Saturday of the trial written the judge a joint letter, advising him in the interest of the city not to allow a verdict on that day. Judge Roan would not certify to the ground until he had communicated with the writers of the letter, for the reason that he considered the communications as of a personal and confidential nature.

Judge Roan certified that there seemed to be a great sentiment aroused against Frank during the trial. The defense's motion stresses again and again the allegation that the crowd in the court room was hostile to Frank and much is made of the cheers with which crowds so often greeted Solicitor Dorsey.

Attorney Reuben Arnold remarked that the trial reminded him of a melodrama where the gallery cheered the hero and hissed the villain. There was no question about the roles, he declared, for Mr. Dorsey was the hero and he and Attorney Luther Rosser the villains.

### JIM CONLEY AGAIN.

The fact that regardless of the fate of Frank an effort may be made to hang Jim Conley, his negro accuser, came out in the course of the discussion of the amended motion. Judge Roan certified that he did not charge to the jury to return in its verdict in the Frank case a section declaring whether or not Jim Conley was an accomplice.

In the discussion of the case the lawyers pointed out that if Conley went to the factory, knowing Frank was going to commit a felony—namely, that of having gross relations with a girl—under the law he was an accomplice to the felon and to any other crime that reason resulted from that felony, which in this instance would be murder.

---